

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

DAREN HEATHERLY, IRMA RAMIREZ,  
Plaintiffs,  
v.  
BISTRO 29, and others,  
Defendants.

Case No. 13-cv-01132 NC

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE  
THIRD AMENDED COMPLAINT;  
and ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE TO  
SEPTEMBER 3**

Re: Dkt. No. 35

Under Federal Rule of Civil Procedure 15, leave to amend shall be freely given when justice requires. In this case, plaintiffs seek to amend their complaint to add an allegation of post-complaint retaliation. The Court finds that the proposed amendment would not prejudice defendants, is not untimely, and is not futile or frivolous. Significantly, defendants knew about the new allegations in August 2013. Accordingly, the motion for leave is GRANTED. The Clerk of Court is directed to file the proposed Third Amended Complaint, docket entry 37-1, this same day.

In addition, plaintiffs' request to continue the case management conference to September 3, 2014, at 10:00 a.m. is GRANTED, for good cause shown. All other case deadlines remain unchanged.

IT IS SO ORDERED.

Date: August 4, 2014

Nathanael M. Cousins  
Nathanael M. Cousins  
United States Magistrate Judge